

REMARKS/ARGUMENTS

In the Office Action mailed September 8, 2004, claims 1, 22 and 31 were rejected. Claims 2-12, 23-30 and 32-39 were objected to. Claims 13-21 were allowed. Applicants have thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM OBJECTIONS

Examiner objected claim 2-12, 23-30 and 32-39 were rejected to as being dependent upon a rejected base claim. Applicants have amended the claims to conform with the Examiner's request. In light of these amendments, Applicants respectfully request that the objection to these claims be removed.

CLAIM REJECTIONS – 35 U.S.C. § 102(b)

The Examiner rejected claim 1 under 35 U.S.C. §102(b) as being anticipated over United States Patent No. 3,900,878 to Tsao (hereinafter referred to as "Tsao"). In light of the cancellation of this claim, Applicants respectfully request that the rejection to this claim be removed.

Initially, Applicants note that it is axiomatic that to qualify as an anticipation under Section 102, the cited reference must "bear within its four corners adequate directions for the practice of the patent invalidated." (See, for example, Dewey & Almay Chemical Co. v. Mimex Co., Inc., 52 U.S.P.Q. 138 (2nd Cir. 1942)).

In light of the foregoing arguments, withdrawal of the rejection of claim 1 under 35 U.S.C. § 102(b) as being anticipated by Tsao is respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

The Examiner rejected claims 22 and 31 under 35 U.S.C. § 103(a) as being unpatentable over Tsao. In light of the cancellation of these claims, Applicants respectfully request that the rejection of these claims be removed.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request that all the pending objections and rejections be removed. If, for any reason, the Examiner disagrees, please call the undersigned attorney at 202-861-1703 in an effort to resolve any matter still outstanding before issuing another action. The undersigned attorney is confident that any issue which might remain can readily be worked out by telephone.


Docket No. 87288.1500
Serial No. 09/918,719
Customer No. 30734

Patent

In the event this paper is not time filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87288.1500.

Respectfully submitted,

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